interest, a substitute for the binding effect of the oath being found in the presumption that no one would speak falsely against his own interest. That admissions of parties to a suit stand on an entirely different footing is evident from the fact that even where an adverse interest is required, it is never limited to a pecuniary or proprietary interest. They are received rather on the theory that any words or acts of a party inconsistent with his present position are relevant to the issue. Even if such statements were self-serving and false they should still be admissible as showing his disposition to depart from the truth to further his own ends.

Admissions not against interest at the time have been received in many cases. *Wilson* v. *Minneapolis etc. Ry. Co.,* 31 Minn. 481; *Shiland* v. *Loeb,* 69 N. Y. Sup. 11; *Smay* v. *Etmire,* 99 Ia. 149; *State* v. *Willis,* 71 Conn. 283; *State* v. *Anderson,* 10 Ore. 448; *State* v. *Mowry,* 21 R. I. 376. In some instances the courts have received such admissions only for the purpose of impeaching the bona fides of the present claim. *Skillman* v. *Leverich,* 11 La. 517; *Lord* v. *Bigelow,* 124 Mass. 185; *Glen* v. *Lehnen,* 54 Mo. 45. But these considerations go to the probative value of different classes of admissions, and not to their admissibility.

It would seem therefore that upon this point the principal case is in conflict with the understanding of the most eminent commentators and with a majority of the decisions in courts of last resort. S. S. W.

THE EXTRATERRITORIAL EFFECT OF EXEMPTION LAWS.—The case of *John H. Schroeder Wine and Liquor Co.* v. *Willis Coal and M. Co.,* 161 S. W. 352, recently decided by the St. Louis Court of Appeals, throws some light on the very confused subject of the extraterritorial effect of exemption statutes. The facts of the case are as follows:

A Missouri corporation was garnisheed in the courts of that state by the creditor, also a citizen of Missouri, for a debt owed by a citizen of Illinois. The fund attached was wages, owed by the garnishee to the debtor for labor performed in Illinois, and payable there. The debtor was summoned by publication and did not appear personally. Under the Illinois Statute the wages of the head of a family are exempt to the amount of $15.00 per week and the employer must pay that amount notwithstanding any writ of garnishment. Under the Missouri statute no one can be charged as garnishee for more than 10% of any wages.

Under these facts the Missouri Court applied the Illinois Statute. They based their decision entirely upon the principle of comity between the several states. The court said in part "the courts of our state commonly recognize the laws of another state when the general policy of the two states on the subject is alike. That this is the case with respect to the statutes of Illinois and those of our own state on the matter of exemption of wages from garnishment proceedings is clear. There is a difference in the amount of exemption; there is no difference whatsoever in policy. * * * Shall we applying the Illinois law by comity hold them exempt in our jurisdiction? We answer this in the affirmative."

The court cites several Missouri decisions as sustaining the principle of comity, but none of them concerned exemption statutes. All of them related to statutes which affected the cause of action directly as where they created a cause for action in tort or were made a part of a foreign contract.

The question of the application of the principle of comity to the exemption statutes of another state is one upon which there is a very decided conflict of opinion. Such statutes are usually considered to relate to the remedy simply and not to the obligation. For this reason most courts have never given to foreign exemption laws the recognition which they have given to laws that affect obligations, but have applied the lex fori in regard to exemption as in all other matters relating to remedy and procedure. *Morgan* v. *Neville,* 74 Pa. St. 52; *National Tube Co.* v. *Smith,* 57 W. Va. 210, 1 L. R. A. N. S. 195, 110 Am. St. Rep. 771.

This principle has been followed where all the parties were citizens of the same foreign state and the proceedings were brought in the forum for the manifest purpose of evading the exemption laws of that state. *Goodwin* v. *Clayton,* 137 N. C. 224, 49 S. E. 173, 67 L. R. A. 209, 107 Am. St. Rep. 479.

Many of the cases sustaining this doctrine were decided before the decision of *Harris* v. *Balk,* 198 U. S. 215, 49 L. Ed. 1023, 23 Sup. Ct. 625, settled the question of the situs of a debt for purposes of garnishment. Before this case decided that a debt could be attached where personal service could be had on the debtor and irrespective of the domicile of any of the parties, the law on this subject was in confusion, and courts in applying their own exemption laws against citizens of other states whose funds were garnisheed in their courts were not necessarily enforcing them in the other states under the full faith and credit clause as is the case since that decision. Most of the courts which refused to recognize foreign exemption laws also refused to recognize foreign garnishment proceedings against their own citizens when the debtor was sued by publication only. Since the decision in *Harris* v. *Balk,* the states can no longer refuse to recognize such judgments, and can therefore be compelled to apply the exemption laws of another state against their own citizens. States have sought to protect their exemption laws by means of penal statutes and injunctions but these are at best only an indirect way of accomplishing the result desired. Other states have met the question squarely by the statutes recognizing the exemption laws of a foreign state when a citizen of such a state is garnisheed in their courts. A typical statute of this kind is that of Illinois. The effect of such statutes is reviewed in *Re Flukes,* 157 Mo. 125, 51 L. R. A. 176, 80 Am. St. Rep. 619. See also note in note to 36 L. R. A. 582.

On account of the results following from the blind application of the lex fori in all such cases, some courts have taken this extreme position, but under certain circumstances have given effect to the exemption laws of other states. It is in this connection that the principal case is of interest. The leading case sustaining this view is *Drake* v. *Lake Shore & M. S. Ry.,* 69 Mich. 169. In this case the principal debtor and creditor were citizens of Indiana and the latter attempted to evade the exemption laws of that state by assigning his claim to a citizen of Michigan where the wages of the debtor were

not exempt. The assignee garnisheed the railroad in Michigan for the wages owed to the debtor. The Michigan court applied the exemption laws of Indiana on the grounds (1) that interstate comity would not permit a state to allow its courts to be used for the purpose of evading the laws of a sister state; (2) that when all the parties at the time of the creation of both debts reside in the same state the exemption laws of that state become an incident of the debt and a vested right in rem which follows the debt wherever it is considered to be situated. Other cases holding the same views are, *Macon* v. *Beebe,* 44 Fed. 556; *Ill. Cent. Ry.* v. *Smith,* 70 Miss. 344, 35 Am. St. Rep. 651; *Wright* v. *Chicago etc. Ry.,* 19 Neb. 175, 56 Am. Rep. 747; *Pierce* v. *Chicago etc. Ry.,* 36 Wis. 283; *Mo. Pac. Ry.* v. *Skarritt,* 43 Kans. 375; *Singer Mfg. Co.* v. *Fleming,* 39 Neb. 679, 23 L. R. A. 210, 42 Am. St. Rep. 613.

In some of these cases, as in most of the cases cited by them, the question of the extraterritorial effect of exemption laws is confused by the different views formerly held by the courts as to the situs of debts for the purposes of garnishment, a question which was settled by *Harris* v. *Balk,* supra. But in all of them the principle of comity is recognized with reference to exemption statutes. In all of these cases, however, the parties were both citizens of a state other than the forum and there was evidently an attempt to evade the laws of that state. In none of them was the law of another state enforced against a citizen of the forum. But in the principal case the creditor and garnishee were both citizens of the forum, Missouri. There was no attempt to evade the laws of another state, as the proceeding was brought in the logical court. There was no argument that the exemption law was a part of the debt itself. The court therefore applied the law of a foreign state relating to a remedy against the interest of one of its own citizens. It is believed that few if any courts have gone as far as this in recognizing the exemption laws of another state. The authorities do not sustain any such holding although the language in *Mason* v. *Beebe,* supra, is broad enough to cover the present case.

But however weak the case may be on authority, it suggests a solution to the difficulty into which the former doctrine has led the courts. The decision in *Harris* v. *Balk* has made the effect of ignoring the exemption laws of a sister state much more serious to that state than was formerly the case. Although among sovereignties the rule undoubtedly is that laws relating to remedies have no extraterritorial effect, yet in international law there is no full faith and credit clause, and a sovereign state need not recognize a foreign judgment that violates its public policy. This is not true among the states of the Union. The Missouri court evidently thinks that the principle of comity should not be confined to those classes of laws to which it is applied among sovereign states. P. B. B., Jr.

LIABILITY OF TESTATOR'S ESTATE FOR LIBEL CONTAINED IN HIS WILL.—It has frequently been said that the law of wills is so well developed that in examining cases involving that subject, one scarcely, if ever, meets with a case for which there is not somewhere a precedent. In *Harris* v. *Nashville Trust Company* (Tenn. 1914) 162 S. W. 584, which was a case involving a will, there